

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

MICHAEL LEON SHOEMAKER,)	C.A. No. 4:04-22291-TLW
)	
Plaintiff,)	
)	
vs.)	
)	WRITTEN OPINION AND ORDER
MRS. N.F.N. JENKINS, NURSE,)	
)	
Defendants.)	
)	
)	

In this *pro se* case, the plaintiff, a prisoner now or formerly confined at the Columbia Care Center in Columbia, South Carolina, alleges that the defendant violated his constitutional rights. In particular, the plaintiff alleges that the defendant failed to provide him with adequate pain medication following a dental procedure. The defendant denies these allegations and has filed a motion for summary judgment (Doc. # 8).

By Order filed February 24, 2005, the plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to adequately respond. Despite this Court Order, the plaintiff has not responded to the defendant's motion for summary judgment.

This matter now comes before the undersigned for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. In his Report, Magistrate Judge Rogers recommends that the defendant's motion for summary judgment be granted in its entirety and that this action be dismissed. As reasoned, in part, by the Magistrate Judge:

The plaintiff has failed to show that defendant violated any of his constitutional or statutory rights under 42 U.S.C. § 1983. As well, the plaintiff has failed to prosecute his action...

No party has filed objections to the Report.¹

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. As noted above, no objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

A *de novo* review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is **ORDERED** that the defendant's motion for summary judgment is **GRANTED** (Doc. # 8) and the instant case is **DISMISSED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
United States District Court Judge

May 20, 2005
Florence, South Carolina

¹A copy of the Magistrate Judge's Report was mailed to the plaintiff at his last known address by the Clerk of Court. However, on April 26, 2005, that mail was returned as "undeliverable." The plaintiff has not provided this Court with any notice of a change of address as required by prior Court Order.

